

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.4756 of 2007

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Dated: March 12, 2007
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Between:

G. Pushpalatha, W/o. Ramakrishna, aged about
30 years, Occ: Student, PIN: 01055-PH-041, II year
D. Pharmacy, S.G.P.R. Government Polytechnic
Kurnool.

... Petitioner

And

State Board of Technical Education and Training,
Andhra Pradesh, Hyderabad, represented by its
Secretary, and others.

... Respondents

Order:

Petitioner, a student of Diploma course in Pharmacy in the third respondent college, has filed this Writ Petition seeking Mandamus to declare the action of respondents in not allowing her to appear for examinations of the said course scheduled on 28-03-2007 as arbitrary and illegal.

2. Heard learned counsel for the petitioner, learned Standing Counsel for the first respondent and learned Government Pleader for the second respondent.

3. Petitioner was admitted in the aforesaid course, in the third respondent college during the academic year 2001-02. Owing to her pregnancy and ill health, she could not continue the course. Later, on her request by way of representation dated 07-07-2003, respondents re-admitted her in the said course during the academic year 2003-04, vide proceedings dated 08-07-2003 on payment of fee prescribed. It is stated that petitioner has completed the said course, which is of two years duration, during academic years 2003-04 and 2004-05. Her grievance is that respondents are not permitting her to appear for examinations on the ground that she has not completed the said course within double the duration of the actual period.

4. Learned Standing Counsel appearing for the first respondent, on instructions, submits that respondents have calculated the period of study undergone by the petitioner from the date of her initial admission, i.e. from the academic year 2001-02 and arrived at the conclusion that she has not completed the course within double the duration of the course.

It is stated that petitioner was not allowed to write examinations only on that sole ground.

5. It is to be noted in this case that petitioner was initially admitted to the course during the academic year 2001-02, and, when she could not continue the course due to pregnancy and other illness, on her representation, she was readmitted to the first year of the course during

the academic year 2003-04 vide proceedings dated 08-07-2003 and she has been pursuing the course since then. But, when she applied to write the examinations scheduled on 28-03-2007, she was not issued hall ticket.

The reason stated by the learned Standing Counsel for the first respondent is that the petitioner has not completed the course within double the duration of the course from the date of her initial admission. But, I am unable to accept the version of the respondents for the reason that the time taken by the petitioner has to be reckoned from the date of her readmission to the first year of the course and not from her initial admission into the course. If so reckoned, petitioner has not taken double the period of the course. In that view of the matter, there is no basis in not allowing the petitioner to write the examinations.

6. In these circumstances, I dispose of the Writ Petition directing the respondents to receive the application of the petitioner along with the requisite fee for writing the examinations of Diploma in Pharmacy in the leftover subject of Drug Store and Business Management, permit her to write the examinations and announce the results thereof. No costs.

JUSTICE R. SUBHASH REDDY.

March 12, 2007

MRR